

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

“Baby L.,” a minor, et al.,

Plaintiffs,

v.

Dr. MARK ESPER, in his official capacity as
Secretary for the U.S. Department of Defense
et al.,

Defendants.

Civil Action No. 3:20-cv-9

FILED UNDER SEAL

**JOINT SUBMISSION OF PROPOSED REDACTIONS FOR TRO HEARING
TRANSCRIPT AND COURT’S FEBRUARY 26, 2020, ORAL RULING**

In accord with the parties’ agreement as set forth in Defendants’ Supplemental Response [ECF No. 21] and Joint Submission [ECF No. 25], the parties submit proposed redactions for the transcript of the TRO hearing held on February 26, 2020, and docketed at ECF No. 18. The redacted information (1) derives from ECF No. 4 exhibits P and X (ECF Nos. 4-16, 4-24) or otherwise would reveal details of U.S. military operations which, if made public, could reveal military capabilities and harm the national security interests of the United States; (2) describes the medical condition of Baby L; or (3) was identified by Plaintiffs as implicating their privacy interests.

The proposed redactions for the transcript also include proposed redactions for the Court’s oral ruling. That part of the transcript is included in the complete transcript and also attached separately for the Court’s convenience. As indicated in Plaintiffs’ April 27, 2020, filing, Plaintiffs have proposed that the redacted transcript serve as the Court’s

memorialization of its February 26, 2020, ruling. Defendants previously submitted a proposed memorialization that does not require redaction. See ECF. No. 22. Defendants continue to request that the Court issue a public memorialization of its ruling in some form but defer to the Court regarding the form of any such memorialization.

May 11, 2020

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General
ALEXANDER K. HAAS
Director, Federal Programs Branch

/s/ Kathryn L. Wyer
KATHRYN L. WYER
Federal Programs Branch
U.S. Department of Justice, Civil Division
1100 L Street, N.W., Room 12014
Washington, DC 20005
Tel. (202) 616-8475
kathryn.wyer@usdoj.gov
Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned counsel certifies that on May 11, 2020, a true and accurate copy of the foregoing was submitted to the Court's ECF electronic mail account, copying counsel of record for plaintiffs, in order to be filed under seal in the above-captioned matter.

/s/ Kathryn L. Wyer
KATHRYN L. WYER